

State of New Jersey  
Department of Labor and Workforce Development  
Board of Review

## MEMORANDUM

**To:** Cornelia Calderone, Chair, Joseph Sieber,  
Vice Chairman, and Frank Serico, Member

**From:** Gerald Yarbrough, Executive Secretary  
Board of Review

**Subject:** Minutes of the April 12, 2006  
Board of Review Meeting

**Date:** April 18, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO  
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, April 12, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, April 19, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair  
Mr. Sieber, Vice Chair  
Mr. Serico, Member  
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the April 5, 2006 meeting were approved.

3. Old Business

- (a) This case was previously discussed. The claimant left work with one employer to accept work with another employer. He was separated from the subsequent employment after four weeks and received his wages as well as another payment from the employer at the time of separation. The Board noted that the type of payment the claimant received is unclear. After further discussion the Board voted to consider reopening the case.

#### 4. New Business

**(a) 86,897**

Ms. Abrunzo presented this case that involved a claimant who hurt his back at home and was unable to work for a period of time. The claimant returned to work but was unable to continue working because of his back. He was told to report to the employer's physician. Because he did not have an insurance card, the claimant was told to go home to wait for the card to come in the mail. The claimant finally received the card after it was sent to the wrong address. He took the card to the employer and the employer took the card to have the address corrected. Afterwards, the employer did not contact the claimant or respond to the claimant's inquiries about the card. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). After discussion, the Board noted that the claimant showed an intent to preserve the employer-employee relationship and voted to reverse the Appeal Tribunal. Ms. Abrunzo will prepare the decision.

**(b) 100,453**

Ms. Abrunzo described this case that involved a claimant who could only perform light duty due to her pregnancy. Her former employer did not have any light work. The claimant sought work within her abilities. The Appeal Tribunal had held the claimant ineligible for benefits under N.J.S.A. 43:21-4(c) and liable to refund benefits. After discussion, the Board noted that the record showed that the claimant was available for work and voted to reverse the Appeal Tribunal. Ms. Abrunzo will prepare the decision.

**(c) 97,039**

As presented by Ms. Gagliardo, this case involved a claimant who receives a pension from the U.S. Navy. The pension was based on his earnings as well as a service award due to an injury he incurred while serving in the Navy. The Appeal Tribunal had held the claimant's weekly benefit rate reduced as a result of his receipt of the pension and liable for refund. The Board noted that the record was lacking regarding the exact amount of the pension and service award. As a result, the Board voted to remand the case for additional testimony as well as for the Appeal Tribunal to consider regulations pertaining to unemployment for ex-service members. Ms. Gagliardo will prepare the remand.

**(d) 97,707**

This matter was tabled for further research.

(e) 99, 325

As described by Ms. Keller, this case involved a clamant who was employed as a superintendent and received his apartment as a part of his salary. The claimant disagreed with the value assigned to the apartment (\$600.00) by the employer. He also contends he was paid for other work which was not included in calculating his monetary entitlement. The Appeal Tribunal had held the claim filed as of December 18, 2005 valid with a weekly benefit rate of \$414.00 and a maximum benefit amount of \$10,764.00. The Board noted that the record was lacking regarding any additional wages. As a result, the Board voted to remand the case for additional testimony and to allow the claimant to present his tax statement and other proof of his wages. The employer shall be subpoenaed. Ms. Keller will prepare the remand.

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Serico seconded the motion.

SUBMITTED FOR APPROVAL:

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Gerald Yarbrough  
Executive Secretary

GY:gs